

**Access to Microfinance & Improved Implementation of Policy
Reform
(AMIR Program)**

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Amendments to the Copyright Law

Final Report

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This report was prepared by Mr. David A. Weinstein, in collaboration with Chemonics International Inc., prime contractor to the U.S. Agency for International Development for the AMIR Program in Jordan.

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Summary:

Accomplishments under this task

During the period April 7 through 15, I devoted my time exclusively to work concerning copyright issues as you directed.

As indicated in my weekly report for the period April 7 through 10, I

reviewed the 1992 Jordanian copyright law and 1998 amendments;
read materials that Polly A. Maier prepared concerning her analysis of the current Jordanian copyright law regarding compliance with TRIPS and amendments she recommends to meet TRIPS requirements;
created handout material and prepared for a presentation at the Seventh Annual American Computer Show copyright enforcement program on April 8;
met with Dr. Bassam S. Talhouni to discuss the program and our respective presentations, which were given at the Show. Dr. Talhouni is with the firm Middle Eastern Global Advocates and Legal Consultants as well as Assistant Professor of Law at the University of Jordan. His practice area is international law as well as ipr issues.

During the period April 11 through 15, I

met with Madam Tamam Aeghul, head of a special unit within the Ministry of Industry and Trade responsible for WTO compliance and related matters. We briefly and generally discussed the scope of my work regarding ipr issues and Madam Taman's interest in learning about trade secret protection;
met Dr. Salah E. M. Al- Bashir, with the law firm International Business Legal Associates and a consultant to AMIR, and talked about his work concerning ipr issues and involvement with the project; Dr. Al- Bashir is Assistant Professor of Private International Law at the University of Jordan.
had a two and one-half hour meeting with Mr. Ali Jaddue Qubba'h, Director General of the National Library and Mr. Mohammed Al- Abadi, who works with Mr. Qubba'h at the National Library, to discuss TRIPS, the current Jordanian copyright law and requirements of the Berne Convention as they will be implemented in Jordan after it accedes to that convention. Mr. Qubba'h expressed concern about provisions in the current law that obligate employees of the Copyright Protection Office at the National Library to act as "judicial policemen" in connection with the enforcement of the copyright law. He noted that the Library staff is relatively small in size and does not have the resources or knowledge to perform this function.
had a one and one-half hour meeting with Mr. Mohammed A. Khreisat, Director of the Trade Registration & Industrial Property Protection section in the Ministry of Industry and Trade, to discuss Jordan's interest in meeting all the intellectual property requirements of TRIPS as well as the progress Jordan has made regarding proposed changes to its trademark and patent laws.

worked daily with Mr. Samer Al-Tarawneh, a staff attorney in Madam Aeghul's unit responsible for revision of Jordan's ipr laws for purposes of TRIPS compliance. Mr. Al-Tarawneh arranged for and accompanied me to meetings with Mr. Qubba'h and Mr. Khreisat. At our daily meetings we reviewed the current Jordanian copyright law in terms of what the Berne Convention requires as well as meeting the standards set by TRIPS. This included consideration of comments by the International Intellectual Property Alliance regarding deficiencies it believes exist in the current law. Our review also covered proposed changes to the law suggested by AMIR in the form of material that Polly Maier prepared.

prepared a chart that compares articles in the current Jordanian copyright law to corresponding articles in the Berne Convention and TRIPS (a copy was provided to Samer Al-Tawarneh)

met with Farhat Farhat to summarize the work that I did during this period and provided him with copies of the material listed below.

Status re enactment of laws

Based upon meetings that I attended and information I obtained, I understand that proposed changes to the Jordanian patent and trademark laws have been finalized and are now being considered by the Ministry of Industry and Trade for submission to the Cabinet.

I understand that the government is in the process of filing the appropriate documents to accede to the Berne Convention as a member. Apparently, this will happen within the coming weeks.

Jordan acceded to the Paris Convention at a time unknown to me. I was told that it can make this Convention effective in Jordan by publication in Jordan in accordance with local law. It appears that this is the only condition necessary to make the provisions of that Convention applicable to Jordan.

Regarding the copyright law, it is necessary to amend it to conform to TRIPS requirements as well as meet various standards established by the Berne Convention. Many of the required changes were pointed out in the International Intellectual Property Alliance and AMIR comments. I found a number of additional required changes during the course of my discussions with Samer Al-Tarawneh, including the need to

eliminate language in Article 4 that indicates publication of a work as a basis for being regarded the author of a work

indicate the starting date for the 50 years after life period of protection in Article 31

clarify the Minister's right to grant a 15 year license in cases where a work is not published before a work goes into the public domain in Article 34(B).

clarify the meaning and rights status of "partner" in Article 37.

eliminate reference to “financial” and “financial exploitation” when referring to the author’s rights, to avoid an interpretation that rights do not exist with respect to non-economic uses.

There is some indication that the Ministry of Industry would prefer to approach making the current law meet TRIPS requirements through the adoption of by-laws rather than submitting changes to Parliament. This is understandable because the law was amended through Parliament approval as recently as November, 1998.

In my opinion this would not be satisfactory because many provisions that need to be changed cannot be suitably dealt with in this way. Accordingly, I believe it is necessary to propose amendments for consideration and adoption by Parliament.

Comments and recommendations

1. Propose additional changes to law

I feel that from a best practices approach, the law should be revised beyond the minimums needed to satisfy the Berne Convention and TRIPS. For instance, it is appropriate to add a definitions section, using consistent wording throughout in reference to various rights, refer to works in terms of what they consist of rather than what they are (e.g., literary works consist of words and/or numbers as in U.S. law, rather than books and writings as in Jordanian law), among other things.

I understand that the current law was mechanically modeled on copyright laws of other Arab countries without adapting it to the particular needs/business practices of Jordan and without an understanding of the effect of various provisions on the rights of copyright owners (e.g., it is lawful to make a copy for personal use [Article 17 B], which can take away a sizeable market for copies rights owners would otherwise sell).

Encourage prompt accession to Berne/publication of Paris

Because there are substantial benefits to becoming a party to these international intellectual property treaties, I feel it is appropriate for AMIR to encourage the government to move forward promptly with necessary action.

Educate Jordanian attorneys and businesses

In terms of moving things along with respect to encouraging the government to effect necessary and appropriate changes in the law, I believe that it is reasonable to promptly begin a series of ongoing programs for Jordanian attorneys that cover the basics to educate them about ipr law and issue recognition. The effect can be that attorneys will see that this field can lead to opportunities for them. A positive consequence can be that a large number of attorneys will in turn educate their clients in connection with business development activities, who in turn can be motivated to support changes in the law that will strengthen ipr to protect what they create and use.

When Jordanian attorneys and businesses reach the point of understanding that they will personally benefit from changes in ipr laws they will be supportive of efforts to implement them and less inclined to feel that changes are solely for the benefit of foreign companies.

A complementary and concurrent approach to what I suggest above is to put on similar programs devoted to ipr directed to various segments of the Jordanian business community that are tailored to their activities.

Follow-up

I believe that it is appropriate to provide ongoing support and consultation to the Jordanian government with respect to effecting changes in ipr laws for purposes of TRIPS compliance. This can be in the form of assisting government attorneys and educating Jordanian attorneys about ipr.

Appendices - materials provided to AMIR by delivery to Farhat Farhat on April 15

WIPO Copyright Treaty (copy provided to Samer Al-Tarawneh)
WIPO Performances and Phonograms Treaty (copy provided to Samer Al-Tarawneh)
U.S. copyright application (AMIR to provide copy to Mr. Qubba'h at his request)
Information about International Copyright Relations of the United States
Basic Patent Law outline with accompanying copy of U.S. utility patent
Non-Disclosure Agreement
Confidential Information and Invention Agreement
Treatise material on the subject of Trade Secrets (copy provided to Samer Al-Tarawneh/AMIR to provide copy to Madam Roul at her request)
The Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms (copy provided to Samer Al-Tarawneh)
U.S. Semiconductor Chip Protection Act of 1984 (AMIR to provide copy to Samer Al-Tarawneh)
Federal Republic of Germany Semiconductor Protection Law (AMIR to provide copy to Samer Al-Tarawneh)
European Economic Community Directive re semiconductor products (AMIR to provide copy to Samer Al-Tarawneh)
Treaty on Intellectual Property in Respect of Integrated Circuits (copy provided to Samer Al-Tarawneh)
WIPO Diplomatic Conference on Certain Copyright and Neighboring Rights Questions (AMIR to provide copy to Samer Al-Tarawneh)
Hague Agreement Concerning the International Deposit of Industrial Designs (AMIR to provide copy to Samer Al-Tarawneh)
German Utility Model Law (AMIR to provide copy to Samer Al-Tarawneh)
WIPO report on protection of databases re information from member states (AMIR to provide copy to Samer Al-Tarawneh)
WIPO report on protection of databases re information from intergovernmental and non-governmental organizations (AMIR to provide copy to Samer Al-Tarawneh)

WIPO Trade Topics report re “Other Intellectual Property Conventions Incorporated by Reference into the TRIPS Agreement (AMIR to provide copy to Samer Al-Tarawneh)

WIPO Trade Topics report re “Notifications under the TRIPS Agreement (AMIR to provide copy to Samer Al-Tarawneh)

WIPO Trade Topics report re “An Overview of the Agreement on Trade-Related Aspects of Intellectual Property Rights - TRIPS Agreement (AMIR to provide copy to Samer Al-Tarawneh)

Handout material prepared for a presentation at the Seventh Annual American Computer Show copyright enforcement program on April 8 (provided in electronic format by e-mail attachment to this report)

Chart that compares articles in the current Jordanian copyright law to corresponding articles in the Berne Convention and TRIPS (provided in electronic format by e-mail attachment to this report that is likely to require adjustment for printout in a suitable format).

COPYRIGHT ENFORCEMENT

Seventh Annual American Computer Show

April 8, 1999

Radisson SAS Hotel Amman

Jordan AMIR Project

JORDAN	UNITED STATES
I. COPYRIGHTABLE SUBJECT MATTER	
<p>Works of literature, arts and science expressed in writing, sound, drawing, photography, or motion</p> <p>Books, booklets, and other writings</p> <p>The works of art which are conveyed orally such as lectures, speeches, and sermons</p> <p>Dramatic works, song plays, dramatic-musical works and pantomimes</p> <p>Musical works whether or not in musical notations and whether or not accompanied by words</p> <p>Cinematic, radio broadcasting and audio-visual works of art</p> <p>The works of drawing, painting, sculpture, engraving, architecture, applied-arts, and decoration</p> <p>Explanatory diagrams, maps, plans, blue-prints, and three-dimensional works relating to geography and typography</p> <p>8. Computer software</p>	<p>Literary</p> <p>Dramatic</p> <p>Musical</p> <p>Audio-visual and motion pictures</p> <p>Pictorial, graphic and sculptural</p> <p>Sound recordings</p> <p>Pantomimes and choreography</p> <p>Architectural works</p>
II. COPYRIGHT OWNERSHIP	
<p>The creator of copyrightable subject matter</p> <p>b. The person for whom the creator creates a copyrightable work, if agreed upon in writing</p>	<p>The creator of copyrightable subject matter</p> <p>b. The person for whom the creator creates specific types of copyrightable works, if agreed upon in writing</p> <p>c. The employer of works created by employees within the scope of their employment.</p>
III. EXCLUSIVE RIGHTS	
<p>To be known as the creator</p> <p>To decide whether and when the work will be published including the method and date of publication</p> <p>To alter, modify, omit, or add to the work</p> <p>To stop any distortion, falsification, or modification of the work</p> <p>To withdraw the work from circulation for legitimate reasons</p> <p>To print</p> <p>To reproduce by all material forms</p> <p>To translate, adapt, arrange, and to make any alteration</p> <p>To distribute to the public</p> <p>To recite, display, act, deliver, and broadcast</p>	<p>To reproduce</p> <p>To translate, alter, modify, omit, or add to the work</p> <p>To publicly perform</p> <p>To publicly distribute</p> <p>To publicly display</p> <p>For certain works or original art and photography</p> <p>To be known as the creator</p> <p>To stop any distortion or modification of the work</p>
IV. PROTECTION PERIOD	
<p>Creator's life plus 50 years; if more than one creator than for the life of the creator who lives longest plus</p>	<p>Creator's life plus 70 years</p> <p>95 years from first publication, or 120</p>

JORDAN	UNITED STATES
<p>50 years 50 years from year of publication Cinematic, television and photographic works Any work whose creator or copyright holder is a corporate body A work first published after the creator's death A work that is made available to the public without the creator's name or creator's pseudonym on copies; if creator's identity revealed during protection period then the 50 year term begins on the date of the creator's death 25 years from completion Photographic works which are not of copying nature and are limited to recording images mechanically 2. Works of applied art</p>	<p>years from creation if not published</p>
V. CIVIL ENFORCEMENT OF RIGHTS	
<p>Stop unauthorized reproduction, publication, distribution, public performance Seize unauthorized copies as well as materials used in republication that are not useful for anything else Impound revenues resulting from unauthorized public performance Destruction of unauthorized copies and materials used in producing that are not useful for anything else; or instead of destroying change features to make copies unfit for use Receipt of equitable compensation according to creator's cultural standing, the work's literary, scientific, or artistic value, and extent of infringement.</p>	<p>a. Stop unauthorized reproduction, alteration, modification, public performance, public distribution, and public display b. Seize authorized copies as well as materials used in production c. Infringer's profits plus copyright owner's damages, or court determined amount ("statutory damages") and possibility of attorney fees d. Destruction of unauthorized copies as well as materials used in production</p>
VI. CRIMINAL ENFORCEMENT	
<p>Imprisonment of not less than 3 months and no more than 3 years as well as fine of not less than JD 1000 and not exceeding JD 10,000 For violating the copyright owner's exclusive rights For offering for sale an imitation of the work or copies with knowledge that it is imitated For distributing to the public or importing into or exporting it from Jordan. Second offense Maximum imprisonment penalty 2. Close, for a period of not more than one year, establishment where infringement occurred; or suspend its license for a period of time or forever</p>	<p>Imprisonment of not more than 5 years, or fine of \$250,000, or both, if infringement consists of reproduction or distribution, during any 180-day period, of at least 10 copies of one or more works, with a retail value of more than \$2,500 b. Imprisonment of not more than 10 years, or fine of \$250,000, or both for second or subsequent offense c. Imprisonment of not more than one year, or \$250,000 fine, or both, for other types of infringement. d. Forfeiture and destruction or other disposition of infringing copies and equipment used to manufacture</p>

Comparison Chart

1992 Jordan Copyright Law and 1998 Amendments, Berne Convention 1971, and TRIPS

1992 Jordan Law and 1998 Amendments	Berne	TRIPS
<p>Article 1 This Law shall be called "Copyright Protection Law for the Year 1992" and shall be implemented on the date of its publication in the Official Gazette. This Law shall be called "The Law Amending Copyright Protection Law for the Year 1998" and shall be read in conjunction with Law No. 22 for the Year 1992 referred to hereinafter as the original law as one Law. It shall become enforceable as of the date of its publication in the Official Gazette.</p>	<p>Article 1 The countries to which this Convention applies constitute a Union for the protection of the rights of authors in their literary and artistic works.</p>	<p>Article 1 1. Members shall give effect to the provisions of this Agreement. Members may, but shall not be obligated to, implement in their law more extensive protection than is required by this Agreement, provided that such protection does not contravene the provisions of this Agreement. Members shall be free to determine the appropriate method of implementing the provisions of this Agreement within their own legal system and practice.</p>
<p>Article 2 The following words, wherever they are mentioned in this Law, shall have the meanings assigned against each of them unless the context dictates otherwise: The Ministry: The Ministry of Culture. The Minister: The Minister of Culture Filing: Handing in a work of art to the Centre pursuant to the provisions of this Law. Fixation: Putting the work in any permanent material form. The Centre: The filing centre of the National Library Department or any other government department accredited by the Minister. The Centre: The Filing Centre in any department or government authority accredited by the Minister. The Court: The competent court of first instance.</p>		
<p>Article 3 A) The original works of literature, arts and science shall enjoy protection under this law whatever their type, importance or purpose of production. B) The protection shall comprise the works of art whose mode of expression is writing, sound, drawing, photography or motion in particular: 1. Books, booklets and other writings. 2. The works of art which are conveyed orally such as lectures, speeches and sermons. 3. Dramatic works, song plays, dramatic-musical works and pantomimes. 4. Musical works whether or not in musical notations and whether or not accompanied by words. 5. Cinematic, radio broadcasting and audio-visual works of art. 6. The works of drawing, painting, sculpture, engraving, architecture, applied arts and decoration. 7. Explanatory diagrams, maps, plans, blueprints, and three-dimensional works relating to geography and typography. 8. Computer software C) The protection shall include the title of the work of art unless the title is a common</p>	<p>Article 2 1 The expression "literary and artistic works" shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show; musical compositions with or without words; cinematographic works to which are assimilated works expressed by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works to which are assimilated works expressed by a process analogous to photography; works of applied art; illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science. 2) It shall, however, be a matter for legislation in the countries of the Union to prescribe that works in general or any specified categories of works shall not be</p>	<p>Article 9 2 Copyright protection shall extend to expressions and not to ideas, procedures, methods of operation or mathematical concepts as such. Article 10 1 Computer programs, whether in source or object code, shall be protected as literary works under the Berne Convention (1971). 2 Compilations of data or other material, whether in machine readable or other form, which by reason of the selection or arrangement of their contents constitute intellectual creations shall be protected as such. Such protection, which shall not extend to the data or material itself, shall be without prejudice to any copyright subsisting in the data or material itself.</p>

1992 Jordan Law and 1998 Amendments	Berne	TRIPS
<p>expression which denotes the topic of the work.</p> <p><i>D) Protection shall also be granted to literary and artistic collections such as encyclopedias, anthologies and data compilations whether in machine-readable form or any other form, which constitute, in terms of their selection and arrangement of material, creative intellectual works. Protection shall likewise be granted to collections containing selected pieces of poetry, prose, music or such like provided that the sources and authors of such pieces are mentioned in those collections and without prejudice to the authors' rights with regard to each of the works which constitutes part of the said collections.</i></p>	<p>protected unless they have been fixed in some material form.</p> <p>3) Translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the copyright in the original work.</p> <p>5) Collections of literary or artistic works such as encyclopedias and anthologies which, by reason of the selection and arrangement of their contents, constitute intellectual creations shall be protected as such, without prejudice to the copyright in each of the works forming part of such collections.</p> <p>6 The works mentioned in this Article shall enjoy protection in all countries of the Union. This protection shall operate for the benefit of the author and his successors in title.</p> <p>7 Subject to the provisions of Article 7(4) of this Convention, it shall be a matter for legislation in the countries of the Union to determine the extent of the application of their laws to works of applied art and industrial designs and models, as well as the conditions under which such works, designs and models shall be protected. Works protected in the country of origin solely as designs and models shall be entitled in another country of the Union only to such special protection as is granted in that country to designs and models; however, if no such special protection is granted in that country, such works shall be protected as artistic works.</p> <p>Article 2 bis</p> <p>1 It shall be a matter for legislation in the countries of the Union to exclude, wholly or in part, from the protection provided by the preceding Article political speeches and speeches delivered in the course of legal proceedings.</p> <p>Article 14bis</p> <p>1 Without prejudice to the copyright in any work which may have been adapted or reproduced, a cinematographic work shall be protected as an original work.</p>	
<p>Article 4</p> <p>Any person who publishes a work attributed to himself whether by mentioning his name on it or by any other method shall be regarded as the author unless otherwise proven. This provision shall apply to the pseudonym, provided there is no doubt as to the real identity of the author.</p>	<p>Article 15</p> <p>1 In order that the author of a literary or artistic work protected by this Convention shall, in the absence of proof to the contrary, be regarded as such, and consequently be entitled to institute infringement proceedings in the countries of the Union, it shall be sufficient for his name to appear on the work in the usual manner. This paragraph shall be applicable even if his name is a pseudonym, where the pseudonym adopted by the author leaves no doubt as to his identity.</p> <p>2 The person or body corporate whose name appears on a cinematographic work in the usual manner shall, in the absence of proof to the contrary, be presumed to</p>	

1992 Jordan Law and 1998 Amendments	Berne	TRIPS
	be the maker of the said work. 4a In the case of unpublished works where the identity of the author is unknown, but where there is every ground to presume that he is a national of a country of the Union, it shall be a matter for legislation in that country to designate the competent authority which shall represent the author and be entitled to protect and enforce his rights in the countries of the Union.	
<p>Article 5</p> <p>Without prejudice to the rights of the author of the original work, he shall enjoy protection and shall be considered an author for purposes of this Law:</p> <p>A) Whoever translated a work of art into another language, or transformed it from one type of literature, arts or science into another, or abridged, amended, modified, explained, commented on, or indexed a work of art, or any other way which renders it novel in form.</p> <p>B) Whoever performed and conveyed to the public a work of art made by others whether this performance was through singing, playing, putting into rhythm, reciting, taking photographs, painting, pantomiming, choreographic acting, or any other way.</p> <p>C) <i>The authors of encyclopedias, selections, data compilations and collections which are protected under the provisions of this law.</i></p> <p><u>C) Whoever compiled encyclopedias and anthologies which constitute intellectual original works as to selection and arrangement of material and whoever compiled collections containing selected chrestomathy of poetry, prose, music, or such like provided that the sources and authors are mentioned in these collections.</u></p>		
<p>Article 6</p> <p>If a work of art is made up for the account of another person, then the copyright shall belong to the original author, unless otherwise agreed upon in writing.</p>		
<p>Article 7</p> <p>Unless the collections are characterized by personal effort which embody innovation or arrangement, the protection provided for in this law shall not include the following works of art:</p> <p>A) Laws, regulations, court judgments, the decisions of administrative bodies, international conventions, and all official documents, as well as the complete or partial official translations thereof.</p> <p>B) Published, broadcast or publicly announced news of the day.</p> <p>C) The works of art which fall in the public domain. The national folklore shall be regarded as public ownership for the purposes of this Article provided that the Ministry shall exercise the rights of the author as regards those works against distortion, modification or detrimental to the cultural interests.</p>	<p>Article 2.</p> <p>4) It shall be a matter for legislation in the countries of the Union to determine the protection to be granted to official texts of a legislative, administrative and legal nature, and to official translations of such texts.</p> <p>8) The protection of this Convention shall not apply to news of the day or to miscellaneous facts having the character of mere items of press information.</p>	
<p>Article 8</p> <p>The author alone shall have the following rights:</p>	<p>Article 6bis</p> <p>1 Independently of the author's economic rights, the author shall have</p>	

1992 Jordan Law and 1998 Amendments	Berne	TRIPS
<p>A) The right to attribute to himself his work and to have his name mentioned on all the produced copies whenever the work is offered to the public unless the work is mentioned accidentally during a news presentation of current events.</p> <p>B) The right to decide publishing his work and to determine both the method and date of publication.</p> <p>C) The right to make any amendment to his work whether by alteration, modification, omission or addition.</p> <p>D) The right to shove away any infringement upon his work and to stop any distortion, falsification, modification of the work or any violation upon it, which is detrimental to his reputation or honor. However, if there has been any omission, alteration, addition or any other modification in the translation of the work of art, the author shall have no right to prevent it, unless the translator fails to point out the places where this modification took place or if the translation entails detriment to the reputation of the author or his cultural or artistic standing or contravenes the contents of the work of art.</p> <p>E) The right to withdraw his work from circulation if there have been serious and legitimate reasons thereto. In this case, the author shall have to indemnify the party upon whom the financial exploitation rights have devolved with a fair compensation.</p>	<p>the right to claim authorship of the work and to object to any distortion, mutilation, or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation.</p> <p>2 The rights granted to the author in accordance with the preceding paragraph shall, after his death, be maintained, at least until the expiry of the economic rights, and shall be exercisable by the persons or institutions authorized by the legislation of the country where protection is claimed. However, those countries whose legislation at the moment of their ratification of or accession to this Act, does not provide for the protection after the death of the author of all the rights set out in the preceding paragraph may provide that some of these rights may, after his death, cease to be maintained.</p> <p>3 The means of redress for safeguarding the rights granted by this Article shall be governed by the legislation of the country where protection is claimed.</p>	
<p>Article 9</p> <p>The author shall have the right to exploit his work of art financially in any way he chooses. No other person shall be entitled to exercise this right without written authorization from him or his successors and which includes the following:</p> <p>A) The right to print and to convey and release his work to the public.</p> <p>B) The right to reproduce his work by all material forms including photographic, cinematic or recording means.</p> <p>C) The right to translate his work of art into another language or to adapt it, or to arrange it musically or to make any other alteration thereto.</p> <p>D) The right to authorize the use of one copy or more of his work to the persons who exploit them in leasing or hiring out and other acts relating to offering the work to the public.</p> <p>E) The right to convey his work of art to the public through recitation, delivery, display, acting, radio, television and cinematic publication or any other means.</p>	<p>Article 9</p> <p>1 Authors of literary and artistic works protected by this Convention shall have the exclusive right of authorizing the reproduction of these works, in any manner or form.</p> <p>3 Any sound or visual recording shall be considered as a reproduction for purposes of this Convention.</p> <p>Article 11</p> <p>1 Authors of dramatic, dramatico-musical and musical works shall enjoy the exclusive right of authorizing:</p> <p>(i) the public performance of their works, including such public performance by any means or process;</p> <p>(ii) any communication to the public of the performance of their works.</p> <p>2 Authors of dramatic or dramatico-musical works shall enjoy, during the full term of their rights in the original works, the same rights with respect to translations thereof.</p> <p>Article 11ter</p> <p>1 Authors of literary works shall enjoy the exclusive right of authorizing:</p> <p>(i) the public recitation of their works; including such publication by any means or process;</p> <p>(ii) any communication to the public of the recitation of their works.</p> <p>2 Authors of literary works shall enjoy, during the full term of their rights in the original works,</p>	<p>Article 11</p> <p>In respect of at least computer programs and cinematographic works, a Member shall provide authors and their successors in title the right to authorize or to prohibit the commercial rental to the public of originals or copies of their copyright works. A Member shall be excepted from this obligation in respect of cinematographic works unless such rental has led to widespread copying of such works which is materially impairing the exclusive right of reproduction conferred in that Member on authors and their successors in title. In respect of computer programs, this obligation does not apply to rentals where the program itself is not the essential object of the rental.</p>

1992 Jordan Law and 1998 Amendments	Berne	TRIPS
	<p>the same rights with respect to translations thereof.</p> <p>Article 8 Authors of literary or artistic works protected by this Convention shall enjoy the exclusive right of Making and of authorizing the translations of their works throughout the term of protection of their rights in the original works.</p> <p>Article 12 Authors of literary or artistic works shall enjoy the exclusive right of authorizing adaptations, arrangements and other alterations of their works.</p> <p>Article 11 bis 1 Authors of literary and artistic works shall enjoy the exclusive right of authorizing: (i) the broadcasting of their works or the communication thereof to the public by any other means of wireless diffusion of signs, sounds or images; (ii) any communication to the public by wire or rebroadcasting of the broadcast of the work, when this communication is made by an organization other than the original one; (iii) the public communication by loudspeaker or any other analogous instrument transmitting, by signs, sounds or images, the broadcast of the work.</p> <p>Article 14 1 Authors of literary or artistic works shall have the exclusive right of authorizing: (i) the cinematographic adaptation and reproduction of these works, and the distribution of the works thus adapted or reproduced; (ii) the public performance and communication to the public by wire of the works thus adapted or reproduced. 2 The adaptation into any other artistic form of a cinematographic production derived from literary or artistic works shall, without prejudice to the authorization of the author of the cinematographic production, remain subject to the authorization of the authors of the original works.</p> <p>Article 14bis 1 ... The owner of a copyright in a cinematographic work shall enjoy the same rights as the author of an original work, including the rights referred to in the preceding Article (Article 14)</p>	
<p>Article 10 The author alone shall have the right to publish his letters. However, he or others shall not have the right to exercise this right without a prior authorization from the addressee or his heirs if publishing those letters is detrimental to the addressee.</p>		
<p>Article 11 <i>Notwithstanding the provisions of Article 9 of</i></p>	<p>Appendix Article I</p>	

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<p>this law.</p> <p><i>A-1) Upon obtaining an authorization from the Minister, any Jordanian citizen may translate any printed foreign work into Arabic after the elapse of three years from the date of the first publication of such work.</i></p> <p><i>A-2) The Minister, or any person delegated by the Minister, shall be entitled to issue a license to any Jordanian citizen to reproduce any printed work after the elapse of three years of the publication dates of the works relating to technology and natural sciences including mathematics, after the elapse of seven years of the works of poetry, music, art and fiction as well after the elapse of five years for the other types of works.</i></p> <p><i>B) The license for translation and reproduction provided for in paragraph (A) of this Article shall be granted for meeting the educational purposes needs of schools and universities and for disseminating general culture.</i></p> <p><i>C) In case a license for translation or reproduction is issued, the author of the original work of art which has been translated or reproduced shall be entitled to receive equitable remuneration from the applicant for a translation or reproduction license.</i></p> <p><u>A) Upon obtaining an authorization from the Minister, any person shall be allowed to translate any foreign work of art into the Arabic language after the elapse of one year as of the date of a request for authorization to translate from the author or from the party that has translated it into another foreign language, if neither of them has translated it into the Arabic language or authorized another party to do so. If the authorization for translation is issued, the author of the work of art or whoever translated it under authorization from the author, shall be entitled to a fair compensation from the applicant who obtained an authorization for translation.</u></p> <p><u>B) The protection period for a foreign work of art as to exploitation through translating it into the Arabic language shall expire after the elapse of five years from publishing it for the first time in the language from which it is going to be translated.</u></p>	<p>1 Any country regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations which ratifies or accedes to this Act, of which this Appendix forms an integral part, and which, having regard to its economic situation and its social or cultural needs, does not consider itself immediately in a position to make provision for the protection of all rights as provided for in this Act, may, by a notification deposited with the Director General at the time of depositing its instrument of ratification or accession, or, subject to Article V(1)(c), at any time thereafter, declare that it will avail itself of the faculty provided for in Article II, or of the faculty provided for in Article III, or both of these faculties.</p> <p>Article II</p> <p>1 Any country which has declared that it will avail itself of the faculty provided for in this Article shall be entitled, so far as works published in printed or analogous forms of reproduction are concerned, to substitute for the exclusive right of translation provided for in Article 8 a system of non-exclusive and non-transferable licenses, granted by the competent authority under the following conditions and subject to Article IV.</p>	
<p>Article 12</p> <p>It shall not be possible to seize the copyright in any work of art. However, it shall be allowed to seize the copies of the work which have been published. Likewise, it shall not be permitted to seize the work whose author dies before publishing it unless it is proven that he agreed to publication before his death.</p>		
<p>Article 13</p> <p>The author is entitled to dispose of the financial exploitation rights of his work. The disposal shall be in writing and shall determine in all frankness and detail each disposable right, stating its extent, purpose, exploitation period and place.</p>		
<p>Article 14</p>		

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It shall be regarded as null and void the disposal of all the author's future intellectual output.		
Article 15 The transfer of ownership of the original copy of a work of art or a unique copy of it or several copies thereof to others shall not include the transfer of copyright in that work to others. However, whoever owns the copy or copies shall have the right to display it to the public and shall not be obliged to allow the author to reproduce, convey or display it, unless otherwise agreed.		
Article 16 The copyright in a photographic work shall not entail preventing others from taking one or more photographs for the self-same thing being the object of the work, even if the photograph or the new photograph has been taken from the self-same place or the self-same conditions in which the first photograph has been taken.		Article 13 Members shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the right holder
Article 17 It shall be allowed to use published works without authorization from the author in accordance with the following conditions and cases: A) Presenting, displaying, reciting, acting or putting the work of art into rhythm if it occurs in a family gathering or at educational, cultural or social institution. The musical bands of the state may play musical works provided that this does not generate any financial returns. A) Presenting, displaying, reciting, acting or putting the work of art in rhythm if it takes place in a family gathering, society meeting, private club, or school and playing musical works by the musical bands of the government or any public corporate body provided that this does not yield any financial returns. B) Making use of the work for private personal use through making one copy of the same by reproducing, translating, quoting, musical arranging, acting, listening, watching, or adapting it in any other form. C) Utilizing the work of art by way of illustration in teaching through publications, broadcasts, or audiovisual recordings, to the extent justified by the purpose, for educational, cultural, spiritual, and audiovisual recordings, to the extent justified by the purpose, for educational, cultural, spiritual, and professional training purposes, provided that the work is not used for making financial profits and that the name of the author and the work is mentioned. D) Including paragraphs from a work of art into another work for the purpose of illustration, explanation, argumentation, criticism, cultural use, or examination to the extent justified by the purpose, provided that the work and the author's name are mentioned.	Article 9(2) It shall be a matter for legislation in the countries of the Union to permit the reproduction of such works in special cases, provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author. Article 10 1 It shall be permissible to make quotations from a work which has already been lawfully made available to the public, provided that their making is compatible with fair practice, and their extent does not exceed that justified by the purpose, including quotations from newspaper articles and periodicals in the form of press summaries. 2 It shall be a matter for legislation in the countries of the Union, and for special agreements existing or to be concluded between them, to permit the utilization, to the extent justified by the purpose, of literary or artistic works by way of illustration in publications, broadcasts or sound or visual recordings for teaching, provided such utilization is compatible with fair practice. 3 Where use is made of works in accordance with the preceding paragraphs of this Article, mention shall be made of the source, and of the name of the author if it appears thereon.	Article 13
Article 18 Newspapers and periodicals shall not be	Article 10bis 1 It shall be a matter for legislation in the	Article 13

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<p>permitted to copy serialized novels, short stories and others which are published in other newspapers and periodicals without the consent of their authors. However, newspapers may copy the articles published in other newspapers, which are of current political, economic and spiritual character which preoccupy the public opinion unless the newspaper which published those articles mentions that copying is prohibited. In all cases there should be reference to the source from which the articles were copied.</p>	<p>countries of the Union to permit the reproduction by the press, the broadcasting or the communication to the public by wire or articles published in newspapers or periodicals on current economic, political or religious topics, and of broadcast works of the same character, in cases in which the reproduction, broadcasting or such communication thereof is not expressly reserved. Nevertheless, the source must always be clearly indicated; the legal consequences of a breach of this obligation shall be determined by the legislation of the country where protection is claimed.</p> <p>2 It shall be a matter for legislation in the countries of the Union to determine the conditions under which, for the purpose of reporting current events by means of photography, cinematography, broadcasting or communication to the public by wire, literary or artistic works seen or heard in the course of the event may, to the extent justified by the informatory purpose, be reproduced and made available to the public.</p>	
<p>Article 19 Newspapers and other information media may publish, without authorization from an author, his speeches, lectures, discourses, and such similar works of art which are delivered publicly or addressed to the public provided that in all those cases the work and its author are mentioned. The author of any of these works shall have the right to publish them in one printed book or in any other way or form he chooses.</p>	<p>Article 2bis 2 It shall be a matter for legislation in the countries of the Union to determine the conditions under which lectures, addresses and other works of the same nature which are delivered in public may be reproduced by the press, broadcast, communicated to the public by wire and made the subject of public communication as envisaged in Article 11bis (1) of this Convention, when such use is justified by the informatory process.</p> <p>3 Nevertheless, the author shall enjoy the exclusive right of making a collection of his works mentioned in the preceding paragraphs.</p> <p>Article 11bis 2 It shall be a matter for legislation in the countries of the Union to determine the conditions under which the rights mentioned in the preceding paragraph may be exercised, but these conditions shall apply only in the countries where they have been prescribed. They shall not in any circumstances be prejudicial to the moral rights of the author, nor to his right to obtain equitable remuneration which, in the absence of agreement, shall be fixed by the competent authority.</p> <p>3 In the absence of any contrary stipulation, permission granted in accordance with paragraph 1 of this Article shall not imply permission to record, by means of instruments recording sounds or images, the work broadcast. It shall, however, be a matter for legislation in the countries of the Union to determine the regulations for ephemeral recordings made by a broadcasting organization by means of</p>	<p>Article 13</p>

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	its own facilities and used for its own broadcasts. The preservation of these recordings in official archives may, on the ground, of their exceptional documentary character, be authorized by such legislation.	
Article 20 Public libraries, non-commercial documentation centers, educational institutions and cultural and scientific institutions shall have the right to copy any work by photographic or any similar process without authorization from the author provided that the copying and the number of copies are limited to the needs of those institutions and that this copying is not detrimental to the financial exploitation rights of the author's works.	Article 17 The provisions of this Convention cannot in any way affect the right of the Government of each country of the Union to permit, to control, or to prohibit, by legislation or regulation, the circulation, presentation, or exhibition of any work or production in regard to which the competent authority may find it necessary to exercise that right.	Article 13
Article 21 The heirs of an author shall have the exclusive right to determine publishing his works which have not been published during his lifetime unless the author requests otherwise in his will, or fixes a date for publication, in that case the will shall be adhered to.		
Article 22 The heirs of an author of any work of art shall have the exclusive right to exercise on that work the exclusive right to exercise on that work the financial exploitation rights provided for in this law. However, if the author had contracted in writing during his lifetime, with other parties to exploit his work, then the conditions of the contract shall be executed. If more than one author share in compiling a work of art and if one of them dies without leaving an heir, then his share in the work shall devolved equally to his partners in the authorship, unless there is a written agreement to the contrary.		
Article 23 <i>Without prejudice to the provisions of Article 17 of this law:</i> A-1) A performer shall have the right to prevent third parties from fixing his unfixed performance and from reproducing any fixation of his performance or to broadcast the same to the public without his consent. A-2) The radio and television commissions as well as the copyright holder shall have the right to prevent third parties from fixing unfixed broadcast programs and from reproducing any fixation of those programs or broadcasting the same to the public by wireless means without obtaining a permission from the concerned commission or the copyright holder as the case may be. B) The producers of phonograms shall enjoy the right to authorize or prevent direct or indirect reproduction of their audio recordings and to leasing the original copies of the same. C) The protection period of the rights of performers and producers of phonograms shall be fifty years to be calculated as from the first of January of the calendar Gregorian year following the year in which the performance or the fixation of the phonogram, as the case may be, has taken place. D) The protection period for the broadcasting programs broadcasting by any radio or		Article 14 1 In respect of a fixation of their performance on a phonogram, performers shall have the possibility of preventing the following acts when undertaken without their authorization: the fixation of their unfixed performance and the reproduction of such fixation. Performers shall also have the possibility of preventing the following acts when undertaken without their authorization: the broadcasting by wireless means and the communication to the public of their live performance. 2 Producers of phonograms shall enjoy the right to authorize or prohibit the direct or indirect reproduction of their phonograms.

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<p><i>television commission shall be twenty years to be calculated as from the first January of the calendar Gregorian year following the year in which the program was broadcast for the first time</i></p> <p><u>The official radio and television establishments shall have the right to broadcast or present the works of art which are shown in theaters or in any other public place. The directors of such places shall make it possible for these establishments to make the necessary artistic arrangements for such broadcasting or presentation. These organizations shall mention the author's name and work's title and pay a fair compensation to the author or his successors and to the party exploiting the place where the work is presented, if require.</u></p>		<p>3 Broadcasting organizations shall have the right to prohibit the following acts when undertaken without their authorization: the fixation, the reproduction of fixations, and the rebroadcasting by wireless means of broadcasts, as well as the communication to the public of television broadcasts of the same. Where Members do not grant such rights to broadcasting organizations, they shall provide owners of copyright in the subject of broadcasts with the possibility of preventing the above acts, subject to the provisions of the Berne Convention (1971).</p> <p>4 The provisions of Article 11 in respect of computer programs shall apply <i>mutatis mutandis</i> to producers of phonograms and any other right holders in phonograms as determined in a Member's law. If on 15 April 1994 a Member has in force a system of equitable remuneration of right holders in respect of the rental of phonograms, it may maintain such system provided that the commercial rental of phonograms is not giving rise to the material impairment of the exclusive rights of reproduction of right holders.</p> <p>6 Any Member may, in relation to the rights conferred under paragraphs 1,2 and 3, provide for conditions, limitations, exceptions and reservations to the extent permitted by the Rome Convention. However, the provisions of Article 18 of the Berne Convention (1971) shall also apply, <i>mutatis mutandis</i>, to the rights of performers and producers of phonograms in phonograms.</p>
<p>Article 24</p> <p>The official radio and television establishments shall have the right to prepare, for their programs and with their own methods, a non-permanent record for any work of art they are licensed to broadcast or show, provided that they destroy all the copies of the work within one year of the date of preparing those copies unless the author agrees to extend this period. To be excluded are copies of works or art of documentary nature, provided that no more than one copy of each of them is kept.</p>		<p>Article 13</p>
<p>Article 25</p> <p>Whoever has taken a photograph shall not have the right to show, publish, or distribute the original photograph or copies thereof, without an authorization from those represented in the photograph. This provision shall not apply if publishing the photograph takes place in the context of public events or it if relates to officials or persons enjoying</p>		

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<p>public renown, or if the public authorities have given permission to its publication for the general welfare, provided that in all cases, no photograph shall be permitted to be shown, published, distributed, or circulated if its publication entails detriment to the honor, dignity, reputation, prestige or social standing of the person represented in the photograph. However, the person represented in the photograph shall have the right to authorize its publication in newspapers, journals and other information media, even if the person who takes the photograph does not allow it, unless there is an agreement to the contrary. These provisions shall apply to pictures no matter the method by which they were made, whether painting, engraving, sculpture, or any other means.</p>		
<p>Article 26 If any work of art does not bear the name of its author or if it bears a pseudonym, the work's publisher shall be considered authorized under the law to exercise the rights of the author provided for in this law, until the author announces his identity and proves it.</p>	<p>Article 15 3 In the case of anonymous and pseudonymous works, other than those referred to in paragraph (1) above, the publisher whose name appears on the work shall, in the absence of proof to the contrary, be deemed to represent the author, and in this capacity he shall be entitled to protect and enforce the author's rights. The provisions of this paragraph shall cease to apply when the author reveals his identity and establishes his claim to authorship of the work.</p>	
<p>Article 27 If the heirs of an author of any work of art or his successors, as the case may be, do not exercise the financial exploitation rights in the work, then the Minister shall have the right to exercise these rights by publishing or republishing the work, if the heirs or successors do not do so within six months as of the date of being notified in writing by the Minister, without prejudice to the rights of the heirs or successors, as the case may be, to a fair compensation from publishing or republishing the work.</p>		
<p>Article 28 The author shall have the right to dispose of any of his rights in a work of art on the basis of a share percentage in the revenue or profit resulting from the financial exploitation of the work by others. However, it shall be stipulated that the author shall have the right to obtain an additional part of that revenue or profit if it is revealed that the agreement for exploiting his work was unfair to him, or became so because of circumstances or reasons which were concealed at the time of agreement, or occurred afterwards.</p>	<p>Article 14ter 1 The author, or after his death the persons or institutions authorized by national legislation, shall, with respect to original works of art and original manuscripts of writers and composers, enjoy the inalienable right to an interest in any sale of the work subsequent to the first transfer by the author of the work. 2 The protection provided by the preceding paragraph may be claimed in a country of the Union only if legislation in the country to which the author belongs so permits, and to the extent permitted by the country where protection is claimed. 3 The procedure for collection and the</p>	

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	amounts shall be matters for determination by national legislations.	
<p>Article 29</p> <p>The author of original works of plastic arts and musical manuscripts shall have the right to share the revenue of each public auction sale of these works following the first assignment made by the author. The regulations shall determine the conditions for exercising this right, the share percentage in each sale revenue and the method of collection. Any agreement or arrangement which violates, or takes place in a way that contradicts the provisions of this Article shall be considered as null and void, provided that this provision does not apply to architectural and applied art works.</p>		
<p>Article 30</p> <p>The protection period of the financial rights of the author provided for in this law shall be valid for the lifetime of the author and of fifty years after his death or after the death of the last person remaining alive among the authors who took part in compiling the work if they were more than one author.</p> <p><u>The copyright protection period provided for in this law shall be valid for the lifetime of the author and for thirty years after his death, or after the death of the last person remaining alive among the authors who took part in compiling the work, if there is more than one author.</u></p>	<p>Article 7</p> <p>1 The term of protection granted by this Convention shall be the life of the author and fifty years after his death.</p> <p>5 The term of protection subsequent to the death of the author and the terms provided in paragraphs (2), (3) and (4) shall run from the date of death or of the event referred to in those paragraphs, but such terms shall always be deemed to begin on the first of January of the year following the death or such event.</p> <p>6 The countries of the Union may grant a term of protection in excess of those provided in the preceding paragraphs.</p> <p>8 In any case, the term shall be governed by the legislation of the country where protection is claimed; however, unless the legislation of that country otherwise provides, the term shall not exceed the term fixed in the country of origin of the work.</p> <p>Article 7bis</p> <p>The provisions of the preceding Article shall also apply in the case of a work of joint authorship, provided that the terms measured from the death of the author shall be calculated from the death of the last surviving author.</p>	<p>Article 12</p> <p>Whenever the term of protection of a work, other than a photographic work or a work of applied art, is calculated on a basis other than the life of a natural person, such term shall be no less than 50 years from the end of the calendar year of authorized publication, or, failing such authorized publication within 50 years from the making of the work, 50 years from the end of the calendar year of making.</p> <p>Article 14</p> <p>5 The term of protection available under this Agreement to performers and producers of phonograms shall last at least until the end of a period of 50 years computed from the end of the calendar year in which the fixation was made or the performance took place. The term of protection granted pursuant to paragraph 3 shall last for at least 20 years from the end of the calendar year in which the broadcast took place.</p>
<p>Article 31</p> <p><i>The protection period for the following works of art shall be valid for fifty years as of the date of publication:</i></p> <p><i>A) Cinematographic and television works. In case such works are not published during the said period, then the protection period shall be</i></p>	<p>Article 7</p> <p>2 However, in the case of cinematographic works, the countries of the Union may provide that the term of protection shall expire fifty years after the work has been made</p>	<p>Article 12</p> <p>Article 14</p> <p>5 The term of protection available under this Agreement to performers and producers of phonograms shall last at least until the end of a period of 50 years computed from the end of the calendar year in which the</p>

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<p>calculated from the date of completing the work.</p> <p>B) Any work whose author or copyright holder is a corporate body.</p> <p>C) Any work of art which is published for the first time after the death of its author.</p> <p>D) Any work of art which does not bear the name of its author or which bears a pseudonym. However, the author reveals his identity during the protection period, the protection period shall however commence from the date of the author's death.</p> <p><u>The protection period for the following works of art shall be valid for thirty years as of the date of their publication:</u></p> <p><u>A) Cinematic, television and photographic production works which do not have a creative nature as they are limited to the mechanical transmission of images.</u></p> <p><u>B) Works of applied arts.</u></p> <p><u>C) Any work of art whose author or copyright holder is a corporate body.</u></p> <p><u>D) The work of art which is published for the first time after the death of its author.</u></p> <p><u>E) The work of art which does not bear the author's name or which bears a pseudonym. However, if the author reveals his identity during the protection period, then this period shall start from the date of the author's death.</u></p>	<p>available to the public with the consent of the author, or, failing such an event within fifty years from the making of such a work, fifty years after the making.</p> <p>3 In the case of anonymous or pseudonymous works, the term of protection granted by this Convention shall expire fifty years after the work has been lawfully made available to the public. However, when the pseudonym adopted by the author leaves no doubt as to his identity, the term of protection shall be that provided in paragraph (1). If the author of an anonymous or pseudonymous work discloses his identity during the above-mentioned period, the term of protection applicable shall be that provided in paragraph (1).</p> <p>The countries of the Union shall not be required to protect anonymous or pseudonymous works in respect of which it is reasonable to presume that their author has been dead for fifty years.</p>	<p>fixation was made or the performance took place. The term of protection granted pursuant to paragraph 3 shall last for at least 20 years from the end of the calendar year in which the broadcast took place.</p>
<p>Article 32</p> <p><i>The protection period for the following works of art shall be valid for twenty-five years as of the date of the completion thereof:</i></p> <p><i>A) Photographic works which are not of copying nature and are limited to recording images mechanically.</i></p> <p><i>B) Works of applied arts.</i></p> <p>The protection period for the following works of art shall be valid for fifteen years as of the date of the author's death:</p> <p>A) Computer software.</p> <p>B) Translated works of art.</p> <p>C) Paintings, manuscripts, sculptures, diagrams, photographs, architectural plans, geographical or topographical maps, and all two-dimensional and three-dimensional works.</p>	<p>Article 7</p> <p>4 It shall be a matter for legislation in the countries of the Union to determine the term of protection of photographic works and that of works of applied art in so far as they are protected as artistic works; however, this term shall last at least until the end of a period of twenty-five years from the making of such a work.</p>	
<p>Article 33</p> <p>A) A work of art shall be regarded as published as of the date of placing it within reach of the public for the first time. Re-publication shall not be taken into consideration unless the author makes basic amendments at the time of re-publication that it can be considered a new work of art.</p> <p>B) If the work of art consists of several books or volumes published separately at different intervals, each book or volume shall be regarded as an independent work of art as far as the publication date is concerned.</p>	<p>Article 3</p> <p>3 The expression "published works" means works published with the consent of their authors, whatever may be the means of manufacture of the copies, provided that the availability of such copies has been such as to satisfy the reasonable requirements of the public, having regard to the nature of the work.</p> <p>The performance of a dramatic, dramatico-musical, cinematographic or musical work, the public recitation of a literary work, the communication by wire or the broadcasting of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute</p>	

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	publication.	
<p>Article 34</p> <p>A) After the elapse of the protection period provided for in this law for any work of art, or when the author has no heirs, or when there are no successors to the author before the elapse of the protection period, then the work shall fall into the public domain in such a way that any person shall have the right to reproduce, publish or translate it, if it has been reproduced, published or translated before.</p> <p>B) If the work of art provided for in Paragraph (A) of this Article has not been reproduced, published or translated before it falls into the public domain, it shall not be allowed to exploit any right in that work including reproduction, publication or translation except under a license granted by the Minister. The license shall be valid for fifteen years and shall be regarded as revoked if its holder has not exercised it during a whole year, or if he starts exercising it and then stops for a whole year.</p>		
<p>Article 35</p> <p>A) If more than one person takes part in compiling a work of art in such a way as to make it impossible to separate the share of each of them in compiling the work, all of them shall be considered as equal owners of the work, unless otherwise agreed. None of them shall be entitled to exercise the copyright in the work except if they all agree to that and each one of them shall have the right to file a lawsuit if any copyright infringement takes place.</p> <p>B) However, if it is possible to separate the share of each of the participants in compiling the work from those of the other partners, then each of them shall have the right to exploit the copyright in the part which he contributed, provided that this is not detrimental to the exploitation of the work itself or to the rights of the rest of the partners in the work, unless otherwise agreed.</p> <p>C) If a group of persons participate under the directives of a natural or legal person in compiling a work of art, called a collective work, and if that person commits himself to publishing it in his name and under his supervision, and if the participants' work merge into the general objective aimed at by that person from the work or the innovative idea behind it in such a way as to make it impossible to separate the work done by each of the participants in compiling the work and in setting it apart, then the person who directs and organizes compiling the work shall be regarded as the author of the work, and he shall have the exclusive right to exercise the author's rights therein.</p>		
<p>Article 36</p> <p><i>A) The employees of the Copyright Protection Office at the National Library Department who are commissioned by the Minister shall be regarded as judicial policemen when implementing the provisions of this law.</i></p>		

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<p><i>B) In case any doubt that any of the provisions of this law was violated by any shop engaged in printing, reproducing, producing or distributing works of art, then the employees of the Copyright Protection Office may inspect the shop and seize the copies and all the materials used in committing that violation and refer them together with the violators to the court. The Minister may ask the court to close down the shop.</i></p> <p><u>A) If more than one person participates in compiling a music-song work, the author of the musical part shall have the exclusive right to license to others the public performance for the whole work or to authorize, publish, or reproduce the work, provided this does not prejudice the copyright of the author of the literary part in the work, who has the right to publish the part belonging to him, provided that he does not dispose of it as a basis for another musical work, unless otherwise agreed.</u></p> <p><u>B) While, the works of art which are performed by movements accompanied by music, the shows accompanied by music and other similar works, the author of the non-musical part of the work shall have the right to license to others the public performance of the whole work or to authorize, publish or reproduce the work. As regards the author of the musical part of the work, he shall have the right to dispose of the music part only, provided that the music is not used in a work similar to the joint work, unless otherwise agreed.</u></p>		
<p>Article 37</p> <p>A) Each of the following shall be regarded as a partner in compiling cinematic, radio and television works:</p> <p>1 The scenarist or the author of the written theme of the program</p> <p>2 The adapter of the present literary work to make it executable</p> <p>3 The dialogist of the cinematic, radio or television works</p> <p>4 The work's musical composer if he composed the work specifically for the work</p> <p>5 The director of the work if he has exercised actual control in executing it and has achieved positive results from the intellectual part bring the work into being</p> <p>B) If the work is simplified or derived from another previous work, then the author of the earlier work shall be considered as a partner in the network</p> <p>C) The scenarist, the adapter, the dialogist and the director of the literary work or the music composer shall not be able to object to that, provided that this does not prejudice their rights derived from participating in the work. The author of the literary part and the author of the musical part shall be entitled to publish the part which belongs to him in a way other than the cinema, radio or television, unless otherwise agreed.</p> <p>D) If one of the participants in compiling a work of art refrains from completing what he should have</p>	<p>Article 14bis</p> <p>2(a) Ownership of copyright in a cinematographic work shall be a matter for legislation in the country where protection is claimed.</p> <p>(b) However, in the countries of the Union which, by legislation, include among the owners of copyright in a cinematographic work authors who have brought contributions to the making of the work, such authors, if they have undertaken to bring such contributions, may not, in the absence of any contrary or special stipulation, object to the reproduction, distribution, public performance, communication to the public by wire, broadcasting or any other communication to the public, or to the subtitling or dubbing of texts, of the work.</p> <p>(c) The question whether or not the form of the undertaking referred to above should, for the application of the preceding subparagraph (b), be a written agreement or a written act of the same effect shall be a matter for the legislation of the country where the maker of the cinematographic work has his headquarters or habitual residence. However, it shall be a matter for the legislation of the country of the Union</p>	

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<p>accomplished, or his part of the work, this shall not entail preventing any of the other participants from using the part which he has completed, provided that this does not prejudice the rights belonging to any of them due to his participation in compiling the work.</p> <p>F) The producer shall be regarded as the publisher of the cinematic, radio or television work and shall enjoy all the rights of the publisher of the work itself and its copies. The producer, shall throughout the period agreed upon to exploit the work, act as a deputy to the authors of the work and their successors in contracting with other parties to show and exploit the work, without prejudice to the rights of the authors adapted literary and musical parts, unless otherwise agreed.</p>	<p>where protection is claimed to provide that the said undertaking shall be in a written agreement or a written act of the same effect. The countries whose legislation so provides shall notify the Director General by means of a written declaration, which will be immediately communicated by him to all the other countries of the Union.</p> <p>(3) Unless the national legislation provides to the contrary, the provisions of paragraph 2(b) above shall not be applicable to authors of scenarios, dialogues and musical works created for the making of the cinematographic work, or to the principal director thereof. However, those countries of the Union whose legislation does not contain rules providing for the application of the said paragraph 2(b) to such director shall notify the Director General by means of a written declaration, which will be immediately communicated by him to all the other countries of the Union.</p>	
<p>Article 38</p> <p><i>Without prejudice to the provisions of Article 45 of this law</i>, the filing provisions provided for in this law shall apply to every work of art published or reproduced in the Kingdom for a Jordanian or non-Jordanian author and to the works published or reproduced abroad for a Jordanian author if it is published in the Kingdom, provided that the work of art is filed at the Centre, without paying any fees, before the work is offered for sale or distribution in the Kingdom and that the filed copies shall be identical to the work in every respect and be among its best produced copies. On re-publication, the work of art shall be subject to the filing provisions under this law.</p>		
<p>Article 39</p> <p>Each of the authors of the work, its publisher, the owner of the printing press where the work is reproduced, its producer and its distributor shall be responsible for filing the work of art. Likewise, the importer of any work of art or any person who stands for him, shall be responsible for filing the work which has been reproduced, published or produced outside the Kingdom for a Jordanian author.</p>		
<p>Article 40</p> <p>Each work of art shall be given a special filing number and the Centre shall handle extracting the artistic data from the work for the purposes of indexing and classifying printed works in accordance with the rules and principles observed in this respect. The artistic data shall be handed over to the person concerned for fixing them on the work.</p>		
<p>Article 41</p> <p>If the work of art is a book, each of its author, publisher and the owner of the printing press where the book has been reproduced shall be responsible for recording the indexing and classification data as well as the filing number and data on the recto of the title page of the work. As to the works of art other than books, the filing number shall be recorded on any apparent part of the work.</p>		

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<p>Article 42</p> <p>Each printing press or establishment which handles reproducing, publishing, producing, distributing a work of art in the Kingdom shall submit a statement every six months, of the works which it reproduced, published, produced or distributed on the form prepared by the Centre for this purpose.</p>		
<p>Article 43</p> <p>The Centre shall issue periodic bibliographic data in the form of lists or indexes including the works of art which have been filed with the Centre and shall handle bibliographic information tasks in this field.</p>		
<p>Article 44</p> <p>The Centre shall compile a unified index for the identification of the works available in the libraries and information and documentation centers in the Kingdom, indicating the place of each work as well as the libraries and the information and documentation centre which it covers and the commitments and obligations required therefrom by a ministerial decision.</p>		
<p>Article 45</p> <p><i>Non-filing of the work of art shall not affect the rights of the author provided for in this law.</i></p> <p><u>A copyright protection lawsuit shall not be heard for any work of art which has not been filed with the Centre in accordance with the provisions and procedures provided for in this law.</u></p>	<p>Article 5</p> <p>2 The enjoyment and the exercise of these rights shall not be subject to any formality</p>	
<p>Article 46</p> <p>The Court may upon a petition filed by the author or any of his heirs or successors take the following measures with respect to any work of art whose author's copyright, or that of his heirs or successors, has been infringed upon, provided that the petition contains detailed and comprehensive description of the work:</p> <p>1 Stopping the reproduction, publication, distribution, offering or public performance of the work and this provision shall include any part of the work illegally used.</p> <p>2 Seizing the original work, its copies or photocopies as well as the materials used in republication provided that they are not useful for anything else.</p> <p>3 Impounding the revenues resulting from exploiting the work which has been published through public performance.</p> <p>B) The petition provided for in Paragraph (A) of this Article shall be filed together with a security deposit that will be a guarantee against any loss and damage sustained by the defendant if it turns out that the plaintiff is not right in his claim. It shall be allowed to file the petition before, upon or during trying the lawsuit. If the Court decides to take the procedures provided for in this Paragraph (A) of this Article or any of them before filing the lawsuit, the plaintiff must file his lawsuit within eight days of the date of the Court's decision. If the lawsuit has not been filed during this period, the procedures taken by the Court shall become null and void under the law.</p>	<p>Article 16</p> <p>1 Infringing copies of a work shall be liable to seizure in any country of the Union where the work enjoys legal protection.</p> <p>2 The provisions of the preceding paragraph shall also apply to reproductions coming from a country where the work is not protected, or has ceased to be protected.</p> <p>3 The seizure shall take place in accordance with the legislation of each country.</p>	<p>Article 50</p> <p>1 The judicial authorities shall have the authority to order prompt and effective provisional measures:</p> <p>(a) to prevent an infringement of any intellectual property right from occurring, and in particular to prevent the entry into the channels of commerce in their jurisdiction of goods, including imported goods immediately after customs clearance;</p> <p>(b) to preserve relevant evidence in regard to the alleged infringement.</p> <p>2 The judicial authorities shall have the authority to adopt provisional measures <i>inaudita altera parte</i> where appropriate, in particular where any delay is likely to cause irreparable harm to the right holder, or where there is a demonstrable risk of evidence being destroyed.</p> <p>3 The judicial authorities shall have the authority to require the applicant to provide any reasonably available evidence in order to satisfy themselves with a sufficient degree of certainty that the applicant is the right holder and that</p>

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<p>C) Any person who sustains damages from any procedure taken by the Court pursuant to the provisions of Paragraph (A) of this Article shall have the right to contest it at the Court which may uphold or revoke completely or partially its earlier decision or may appoint a trustee whose assignment is the republication, presentation or public performance of the work of art provided that the resulting revenue shall be deposited in the Court's safe pending settlement of the dispute. The Court shall determine the party to whom the revenues shall become due to in light of the other aspects in the lawsuit.</p>		<p>the applicant's right is being infringed or that such infringement is imminent, and to order the applicant to provide a security or equivalent assurance sufficient to protect the defendant and to prevent abuse.</p> <p>4 Where provisional measures have been adopted <i>inaudita altera parte</i>, the parties affected shall be given notice, without delay after the execution of the measures at the latest. A review, including a right to be heard, shall take place upon request of the defendant with a view to deciding, within a reasonable period after the notification of the measures, whether these measures shall be modified, revoked, or confirmed.</p> <p>5 The applicant may be required to supply other information necessary for the indemnification of the goods concerned by the authority that will execute the provisional measures.</p> <p>6 Without prejudice to paragraph 4, provisional measures taken on the basis of paragraphs 1 and 2 shall, upon request by the defendant, be revoked or otherwise cease to have effect, if proceedings leading to a decision on the merits of the case are not initiated within a reasonable period, to be determined by the judicial authority ordering the measures where a Member's law so permits or, in the absence of such a determination, not to exceed 20 working days or 31 calendar days, whichever is the longer.</p> <p>7 Where the provisional measures are revoked or where they lapse due to any act or omission by the applicant, or where it is subsequently found that there has been no infringement or threat of infringement of an intellectual property right, the judicial authorities shall have the authority to order the applicant, upon request of the defendant, to provide the defendant appropriate compensation for any injury caused by these measures.</p> <p>8 To the extent that any provisional measure can be ordered as a result of administrative procedures, such procedures shall conform to principles equivalent in substance to those set forth in this Section.</p>

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<p>Article 47</p> <p>A) The Court may, upon a petition filed by the author, or any of his heirs or successors, order the destruction of a work of art copies or photocopies which have been illegally published as well as the materials used in publishing the work, provided they are not useful for anything else. The Court may, instead of destroying them, order to change the features of the copies, photocopies and the materials or to make them unfit for use.</p> <p>However, if it turns out to the Court that the copyright in a work of art lapses within two years of the date of issuance of the Court's final decision, then it shall order to confirm the seizure so as to settle the compensation that is due to the author.</p> <p>B) It shall not be permitted to order the destruction of a work of art copies or photocopies or change their features if the dispute concerns the translation of a work of art into the Arabic language. In this case, the Court's decision shall be limited to confirming the seizure of the work, its copies, or its photocopies as the case need be.</p> <p>C) The Court shall, instead of destroying the copies or photocopies of a work of art, changing their features or destroying the materials, order the confiscation of a work of art copies or photocopies as well as the materials used in producing and selling them to the extent necessary to compensate the author for the damages he has sustained.</p> <p>D) It shall not be possible in any case for buildings or the sculptures, drawings, decorations or geometric shapes showing on or in them to be subject of seizure. Likewise, it shall not be allowed to destroy, change the features, or to confiscate buildings for the purpose of preserving the copyright of an architect whose blueprints and plans have been illegally used, provided that this does not prejudice his right to an equitable compensation for its use.</p>		<p>Article 41</p> <p>1 Members shall ensure that enforcement procedures as specified in the Part are available under their law so as to permit effective action against any act of infringement of intellectual property rights covered by this Agreement, including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements. These procedures shall be applied in such a manner as to avoid the creation of barriers to legitimate trade and to provide for safeguards against their abuse.</p> <p>Article 42</p> <p>Fair and equitable procedures</p> <p>Article 43</p> <p>Evidence</p> <p>Article 44</p> <p>Injunctions</p> <p>Article 45</p> <p>Damages</p> <p>Article 46</p> <p>Other remedies</p> <p>Article 47</p> <p>Right of information</p> <p>Article 48</p> <p>Indemnification of defendant</p> <p>Article 49</p> <p>Administrative procedures</p> <p>Articles 51 – 60</p> <p>Border measures</p>
<p>Article 48</p> <p>In accordance with the provisions of Article 47, it shall be permitted to order to revert to the former state of any work of art whose copyright has been infringed upon, including making any amendment or omission of parts thereof so as to achieve that purpose.</p>		
<p>Article 49</p> <p>The author whose any of his rights in this work of art provided for in accordance with the provisions of this law have been infringed upon shall have the right to receive an equitable compensation, provided that the compensation shall be estimated according to the author's cultural standing, the work's literary, scientific or artistic value, and the extent to which the infringer benefited from exploiting the work. The compensation ordered for the author shall be regarded as preferred debt to the net sales value of the things used in the infringement of the author's rights and the seized amounts of money in the lawsuit.</p>		
<p>Article 50</p> <p>The Court may upon the request of the</p>		

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<p>judgement beneficiary order publishing the judgement which it issues under this law in one local daily or weekly newspaper or more at the convicted party's expense.</p>		
<p>Article 51 <i>A) He shall be penalized by an imprisonment term of no less than three months and of no more than three years as well as a fine of no less than JDs 1000 and of no more than JDs 10,000 or by one of those two penalties:</i> <i>1 Whoever illegally exercised one of the privileges provided for in Articles 8, 9, 10 and 23 of this law.</i> <i>2 Whoever offers for sale, circulation or lease an imitated work of art or copies thereof, or communicates it to the public in any manner whatsoever, or imports it into the Kingdom or exports it abroad despite the fact that he knows it is imitated.</i> <i>B) In case of a repetition of any of the crimes provided for in Paragraph (A) of this Article, the perpetrator of the crime shall be penalized by the maximum of the imprisonment and fine penalties. In such a case, the court may decide to close down the establishment in which the crime was committed for a period of no more than one year or to suspend its license for a certain period of time or for good.</i> <u>A) The following shall be penalized by an imprisonment term of not less than three months and a fine not less than JD 500 and not exceeding than JD 1000 or by one of those two penalties:</u> <u>1 Whoever illegally exercised one of the privileges provided for in Articles 8, 9 and 10 of this law.</u> <u>2 Whoever offers for sale imitation work of art or copies thereof although he knows that it is imitated or conveys it to the public in any way or imports it into the Kingdom or exports it.</u> <u>B) In case of a repetition of any of the crimes provided for in Paragraph (A) of this Article, the perpetrator of the crime shall be sentenced to the maximum imprisonment penalty. The Court may in this case order to close down the establishment in which the crime has been committed for a period of not more than one year or to suspend its license for a certain period of time or for good.</u></p>		<p>Article 61 Members shall provide for criminal procedures and penalties to be applied at least in cases of willful trademark counterfeiting or copyright piracy on a commercial scale. Remedies available shall include imprisonment and/or monetary fines sufficient to provide a deterrent, consistently with the level of penalties applied for crimes of a corresponding gravity. In appropriate cases, remedies available shall also include seizure, forfeiture and destruction of the infringing goods and of any materials and implements the predominant use of which has been in the commission of the offence. Members may provide for criminal procedures and penalties to be applied in other cases of infringement of intellectual property rights, in particular where they are committed willfully and on a commercial scale.</p>
<p>Article 52 <i>Whoever contravenes the provisions of Articles 38, 39, 41 and 42 of this law shall be penalized with a fine of not less than JDs 500 and no more than JDs 100. This penalty shall not exempt him from carrying out the provisions provided for in the said Articles.</i> <u>Whoever contravenes the provisions of Articles 38, 39, 41 and 42 of this law shall be penalized with a fine of not less than JD 20 and not exceeding JD 100. This penalty shall not exempt him from carrying out the provisions provided for in those Articles.</u></p>		

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<p>Article 53</p> <p>The provisions of this law shall apply to the works of art of Jordanian and foreign authors, which are published in the Kingdom and to the works of Jordanian authors which are published abroad. As to the works of the foreign authors which are published abroad, international conventions and reciprocity shall be taken into consideration in their regard.</p>	<p>Article 3</p> <p>1 The protection of this Convention shall apply to:</p> <p>(a) authors who are nationals of one of the countries of the Union, for their works, whether published or not;</p> <p>(b) authors who are not nationals of one of the countries of the Union for their works first published in one of those countries, or simultaneously in a country outside the Union and in a country of the Union.</p> <p>2 Authors who are not nationals of one of the countries of the Union but who have their habitual residence in one of them shall, for the purpose of this Convention, be assimilated to nationals of that country.</p> <p>4 A work shall be considered as having been published simultaneously in several countries if it has been published in two or more countries within thirty days of its first publication.</p> <p>Article 4</p> <p>The protection of the Convention shall apply, even if the conditions of Article 3 are not fulfilled, to:</p> <p>(a) authors of cinematographic works the maker of which has his headquarters or habitual residence in one of the countries of the Union;</p> <p>(b) authors of works of architecture erected in a country of the Union or of other artistic works incorporated in a building or other structure located in a country of the Union.</p> <p>Article 5</p> <p>1 Authors shall enjoy, in respect of works for which they are protected under this Convention, in countries of the Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention.</p> <p>2 ... such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of the Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the country where protection is claimed.</p> <p>3 Protection in the country of origin is governed by domestic law. However, when the author is not a national of the country of origin of the work for which he is protected under this Convention, he shall enjoy in that country the same rights as national authors.</p> <p>4 The country of origin shall be considered to be</p>	<p>Article 1</p> <p>3 Members shall accord the treatment provided for in this Agreement to the nationals of other Members. In respect of the relevant intellectual property right, the nationals of other Members shall be understood as those natural or legal persons that would meet the criteria for eligibility for protection provided for in the Paris Convention (1967), the Berne Convention (1971) ..., were all Members of the WTO members of those Conventions....</p> <p>Article 3</p> <p>1 Each Member shall accord to the nationals of other Members treatment no less favorable than that it accords to its own nationals with regard to the protection of intellectual property, subject to the exceptions already provided in, respectively, the Paris Convention (1967), the Berne Convention (1971)....</p> <p>In respect of performers, producers of phonograms and broadcasting organizations, this obligation only applies in respect of the rights provided under this Agreement.</p> <p>Article 9</p> <p>1 Members shall comply with Articles 1 through 21 of the Berne Convention (1971) and the Appendix thereto. However, Members shall not have rights or obligations under this Agreement in respect of the rights conferred under Article 6bis of that Convention or of the rights derived therefrom.</p>
<p>Article 54</p> <p>The provisions of this law shall apply to the works of art which exist at the time of its application except for Article 41, 42, 51 and</p>		

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52 whose provisions shall not apply except on events and actions which take place after the implementation of the provisions of this law.		
Article 55 The provisions of this law shall apply to the events and agreements which take place or are concluded subsequent to the time of its implementation, even if they relate to works of art published or presented for the first time before its implementation. However, with respect to calculating the period of protection for those works, the calculations must include the period which elapsed from the date of the event and until the date of implementing this law.		
Article 56 The periods provided for in this law shall be computed in the Gregorian Calendar.		
Article 57 The Council of Ministers shall issue the necessary regulations for implementing the provisions of this law.		
Article 58 The Ottoman copyright law and any law or legislation whose provisions contradict the provisions of this law shall hereby be repealed.		
Article 59 The Prime Minister and the Ministers shall be commissioned with the implementation of the provisions of this law.		